Attorney Docket Ref: 112076-138323

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application for:	Examiner: Flynn, Kimberly D.
Porter	Art Group: 2153
Application No.: 09/452,328	
Filed: November 30, 1999	
For: Dynamic Content Based Information Browsing	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 10/12/2004

Typed or Printed: Christine Hurdle

Signature: _[signature]_ Date: 10/12/2004

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<u>Appellant's Brief Under 37 C.F.R. §1.192 In Support Of
Appellant's Appeal To The Board Of Patent Appeals And Interferences</u>

Dear Sir:

The Appellant hereby submits this Brief to further their appeal from a final decision by the Examiner, filed on August 13, 2004. The final decision was mailed on May 13, 2004 in response to arguments filed on March 1, 2004. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the present patent application.

10/18/2004 EFLORES 00000059 09452328
01 FC:1402   340.00 OP

(1) Real Party In Interest

The real party in interest is Hall Aluminum, LLC, having its primary place of business at 171 Main St. #271, Los Altos, California 94022.

(2) Related Appeals And Interferences

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal, which will directly affect, be directly affected by, or have a bearing on the Board's decision.

(3) Status Of The Claims

Claims 1-42 were rejected in the Final Office Action dated May 13, 2004. Claims 1-42 remain pending herein and are reproduced, as pending, in Appendix A.

(4) Status of Amendments

No claim amendments have been made since the mailing date of the final rejection.

(5) Summary of the invention

The present invention improves information browsing. Embodiments of he present invention augment an information page being browsed with source identifiers directly identifying additional information pages. The augmenting source identifiers are

generated based at least in part on the content of <u>the information page being browsed;</u> and <u>the content of the directly identified additional information pages directly augment</u> <u>the content of the information page</u> based on which the augmenting source identifiers are generated.

(6) Issues Presented

I. Whether claims 1, 2, 6-11, 18, 21-22, 25-27, 30-32, 35-37 and 39-41 are patentable under 35 U.S.C. §102.

II. Whether claims 3-5, 12-17, 19-20, 23-24, 28-29, 33-34, 38 and 42 are patentable under 35 U.S.C. §103

(7) Grouping of claims

For purposes of this appeal, based on the above listed grounds of rejection, all claims 1-42 stand or fall together.

(8) Arguments

<u>Rejection of claims 1, 2, 6-11, 18, 21-22, 25-27, 30-32, 35-37 and 39-41 under 35 U.S.C. §102 was improper because Niemi failed to teach each and every limitations of these claims.</u>

It is well settled that anticipation under 35 U.S.C. §102 requires the disclosure in a signal piece of prior art to teach **each and every** limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 USPQ2d 1017, 1019 (Fed. Cir. 1994). Thus, to anticipate the present invention, *Gough* must disclose every element recited in the pending claims.

3

Furthermore, anticipation requires that each claim element must be identical to a corresponding element in the applied reference. *Glaverbel Société Anonyme v. Northlake Mktg & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995).

Claims 1, 21, 25, 35 and 39 all clearly require

a) automatic assembly of ***information source identifiers***;

a) the automatically assembled ***information source identifiers directly identify additional information pages*** that may be retrieved, and

b) the ***directly identified additional information pages*** contain contents directly augment the contents of the retrieved information page being browsed and on which the ***augmenting information source identifiers*** are automatically generated.

In contrast, as pointed out in Applicant's last response, Niemi merely teaches the automatic augmentation of a retrieved information page with *queries* containing identified keywords as query parameters. See e.g. col. 5, lines 26-28, 32-34, 35-39, 42-43, 52-53, 59-60, 62-64 and so forth. Each of these queries include a "word number" of the keyword as the query parameter, word=29329 (for the keyword "Teamware"), word=34488 (for the keyword "Internet"), and so forth. Each of the queries is ran individually *only on selection by a user*. See e.g. col. 6, lines 41-50, in particular, line 43, where Niemi states "By clicking ... on one of the <queries> ... the user causes the Web browser to request the <answer> of the <query> ..."

The execution of a user selected *query* results in a query against a keyword database, col. 6, lines 51-53. Assuming a match, the keyword database returns *an answer page* having *a list of documents* (related to the original source document) containing the keywords, in the form of *links* to the *documents*, ranked by their

4

similarities, col. 7, lines 14-17. <u>Only</u> on selection of one of these *document links* by the user, the linked *document* is displayed, col. 7, lines 18-19.

Accordingly, Applicant submits the core questions to be answered in deciding this issue are

a) whether Niemi's *answer page* is equivalent to the required **augmenting information page**; and

b) whether Niemi's augmenting *query* is equivalent to the required **augmenting information page identifiers**.

With respect to the first question, consider the example involving the presence of the keyword "Internet" in the initial information page being browsed. Under Niemi's scheme, the Internet keyword of the original information page is augmented with the *query* *"http:// ...word=29329 (stands for Internet) ..."*. An answer page containing e.g.

Answer Page {First link to Doc A {First info on Internet ..},

           Second link to Doc B {Second info on Internet ...}

        ...}

is returned on selection of the *query*. <u>Note that the *answer page* does not contain any content on the Internet that directly augment the content "Internet" of the original information page.</u> *Doc A* {First info on Internet ...} (containing information about the Internet) is displayed <u>only</u> on a subsequent selection of "First link to Doc A" against the *answer page* by the user.

Since the *answer page* merely contains links to documents with content that directly augments the original information page, the *answer page* does not contain content that <u>directly</u> augments the content of the original information page. It follows then, the *answer page* is <u>not identical</u> to the required **augmenting information page** of the independent claims.

Similarly, since the *query* merely results in an *answer page*, that is not equivalent to the required **augmenting information page**. It does not <u>directly</u> points to the

5

required ***augmenting information page.*** It follows then, it is <u>not identical</u> to the required ***information page identifier***.

Thus, for at least the above reasons, Niemi cannot be read as having anticipated the above enumerated required limitations. Therefore, claims 1, 21, 25, 35 and 39 are patentable over Neimi under 102(e).

Claims 2, 6-11, 22, 26-27, 36-37 and 40-41 depend on claims 1, 21, 25, 35 and 39, incorporating their limitations, respectively, therefore, for at least the same reasons, claims 2, 6-11, 22, 26-27, 36-37 and 40-41 are patentable over Niemi under 102(e).

With respect to claim 18, it is directed towards a method practiced on <u>a server</u>, requiring <u>the server to receive from the client system</u> *related keywords of keywords present in an information page being browsed*, and provide information source identifiers identifying additional information pages that may be additionally retrieved based on these *related keywords of keywords present in an information page being browsed,* enabling the original information page to be automatically augmented with such information source identifiers (i.e. identifiers that identify additional information page based on the related keywords of keywords present in an information page being browsed).

As an example, assume the keywords "TCP/IP" and "HTTP" are considered related keywords to the keyword "Internet", the limitation requires the <u>server</u> method to include *<u>receiving from the client system</u> the example related keywords "TCP/IP" and "HTTP" from the client system* to allow <u>the server to provide the client system</u> with information source identifiers identifying information pages based on the related keywords "TCP/IP" and "HTTP", enabling the original information page (containing the

6

keyword :Internet") to be automatically augmented with these information source identifiers (identifying information pages selected based on the related keywords "TCP/IP" and "HTTP").

As discussed earlier Neimi merely teaches the automatic augmentation of the original information page with _queries_ having the present keywords (e.g. "Internet") as query parameters. It takes a user's selection of the _query_ containing the "Internet" query parameter to cause the _answer page_ containing _links_ to similar pages to be presented to the user. Even if we assume such an answer page would contain links to information page with information on "TCP/IP" and "HTTP", these _links_ are nonetheless not automatically provided from the client to the server, to allow the server to provide the client with automatic augmentation for the keyword "Internet".

Therefore, Neimi does not anticipate the required limitations of claim 18. Thus, claim 18 is patentable over Neimi under 102(e).

With respect to claim 30, the Examiner's response addressed only the secondary aspect of Applicant's argument, missing the primary reason of patentability which is Niemi failed to teach having the client system providing to the server the _location information_ of the information page the client system is retrieving. [For the benefit of the Examiner, the reason of the above required limitation, as explained in the specification, is to allow the server to independently retrieve a copy of the information page, use this independently retrieved information page to determine the augmentation to be automatically to the client system.]

No such teachings of the client system providing the server with _location information_ on what the client system is retrieving, exist in Niemi. Therefore, claim 30 is patentable over Neimi under 102(e).

Claims 31-32 depend on claims 30, incorporating its limitations, therefore, for at least the same reasons, claims 31-32 are patentable over Neimi under 102(e).

7

In summary, for reasons stated above, claims 1, 2, 6-11, 18, 21-22, 25-27, 30-32, 35-37 and 39-41 are patentable over Niemi under 35 USC 102(e).

Rejection of claims 3-5, 12-17, 19-20, 23-24, 28-29, 33-34, 38 and 42 was improper because the cited combinations failed to teach or suggest the invention claimed.

In the Final Office Action mailed May 13, 2004,

- claims 3-5 were rejected under 35 U.S.C. §103 in view of Niemi and *Rubinstein* combined;

- claims 12-17, 19-20, 23-24, 28-29, 33-34, 38 and 42 were rejected under 35 U.S.C. §103 in view of Niemi *and* Finseth combined.

Rubenstein does not cure the above discussed deficiency of Niemi, therefore claim 1 is patentable over Niemi even when combined with Rubenstein. Claims 3-5 depend on claim 1, incorporating its limitations, therefore, for at least the same reasons, claims 3-5 are patentable over Niemi and Rubenstein combined.

Claim 15 contains in substance the same limitations of claim 18. Therefore, for at least the same reasons, claim 15 is patentable over Niemei.

Finseth does not remedy the above discussed deficiency of Niemi, accordingly, claims 11, 15, 18, 21, 25, 30, 35 and 39 remain patentable over Niemi, even when combined with Finseth.

Claims 12-14, 16-17, 19-20, 23-24, 28-29, 33-34, 38 and 42 depend on claims 11, 15, 18, 21, 25, 30, 35 and 39, incorporating their limitations, respectively, therefore, for at least the same reasons claims 12-14, 16-17, 19-20, 23-24, 28-29, 33-34, 38 and 42 are patentable over Niemi and Finseth combined.
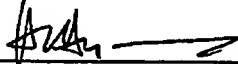
(9) Conclusion

Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

(10) Epilogue

This brief is submitted in triplicate, along with a check for $340 to cover the filing of appeal brief fee. We do not believe any fees, in particular extension of time fees, are needed. However, should that be necessary, please charge our Deposit Account No. 500393. In addition, please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Appellant Applicant

Dated: <u>October 12, 2004</u>

By Aloysius AuYeung, Reg No. 35,432
Schwabe, Williamson & Wyatt, P.C.
Attorney for Appellant Applicant

Appendix A – Claims As Pending

1   1. (Previously Amended) In a client system, an automated method for assisting a

2   user of the client system in retrieving and browsing information, the method

3   comprising:

4   retrieving and displaying on a display of the client system for browsing, a first

5   information page having first contents, responsive to user direction; and

6   automatically assembling and augmenting the first information page being

7   browsed with one or more information source identifiers directly identifying one or

8   more information pages with second contents that may be additionally retrieved,

9   based at least in part on a portion of the content of said first information page, the

10   second contents directly augmenting the first content.

1   2. (Previously Amended) The method of claim 1, wherein the method further

2   comprises performing on said client system in real time, on retrieval of the first

3   information page, analysis of the first information page to determine presence ones

4   of first keywords in the portion of the content of said first information page on which

5   said automatic assembling and augmenting is based.

1   3. (Previously Amended) The method of claim 2, wherein said analysis comprises

2   performing on said client system in real time, on retrieval of the first information

3   page, scanning of said first information page for unique nouns presence, accessing

4   a current table of keywords to determine if any of the unique nouns are to be

5   considered as keywords, and outputting those unique nouns that should be so

6   considered as the presence ones of first keywords.

1 4. (Previously Amended) The method of claim 3, wherein the method further

2 comprises designating to a browser of the client system a first of a plurality of tables

3 of keywords as the current table of keywords.

1 5. (Original) The method of claim 4, wherein the method further comprises

2 loading/downloading said plurality of tables of keywords onto the client system.

1 6. (Previously Amended) The method of claim 3, wherein said analyzing further

2 comprises performing on said client system in real time, on retrieval of the first

3 information page, retrieval of second keywords related to the presence ones of first

4 keywords from one or more tables of related keywords, using said presence ones of

5 first keywords.

1 7. (Previously Amended) The method of claim 6, wherein said automatic

2 assembling and augmenting comprises performing on said client system in real time,

3 on retrieval of the first information page, retrieval of one or more information source

4 identifiers identifying one or more information pages associated with the second

5 keywords, from one or more information source tables, using said second keywords.

1 8. (Original) The method of claim 7, wherein the method further comprises

2 loading/downloading said one or more tables of information sources onto the client

3 system.

1 9. (Previously Amended) The method of claim 3, wherein said automatic

2 assembling and augmenting comprises performing on the client system in real time,

3 on retrieval of the information page, assembly of the one or more information source

4   identifiers based at least in part on the presence ones of first keywords in said first

5   information page.

1   10. (Previously Amended) The method of claim 1, wherein the method further

2   comprises performing on the client system in real time, on retrieval of the information

3   page, transmission to a server, which is not a source server of the first information

4   page, a selected one of [(a) a locator of the first information page identifying a third

5   party location from where the first information page is being retrieved, (b) a plurality

6   of unique nouns of the first information page, (c) a plurality of first keywords present

7   in the first information page, and (d) a plurality of second keywords related to the first

8   keywords].

1   11. (Previously Amended) The method of claim 1, wherein said first information page

2   is an information page constituted using a mark-up language.

1   12. (Previously Amended) The method of claim 1, wherein the method further

2   comprises displaying on said display a selected one of (a second information page

3   corresponding to a first of the additional information pages, and a thumbnail of the

4   second information page).

1   13. (Previously Amended) The method of claim 12, wherein said displaying of a

2   thumbnail comprises performing on said client system in real time, on retrieval of the

3   first information page, a selected one of [(a) retrieving said thumbnail and (b)

4   retrieving said second information page and dithering said retrieved second

5   information page to form said thumbnail].

1   14. (Previously Amended) The method of claim 12, wherein said displaying of a

2   thumbnail is made responsive to proximate placement of a cursor next to a first

3   information source identifier corresponding to said second information page.

1   15. (Previously Amended) In a client system, an automated method for assisting a

2   user of the client system to retrieve and browse information, the method comprising:

3   retrieving and displaying on a display of the client system for browsing, a first

4   information page having content, responsive to user direction;

5   performing on said client system in real time, on retrieval of the first

6   information page, analysis of the first information page to determine presence ones

7   of first keywords in at least a portion of the content of said first information page, and

8   second keywords related to the presence ones of first keywords;

9   automatically assembling and augmenting the first information page being

10 browsed with one or more information source identifiers identifying one or more

11 information pages that may be additionally retrieved, based at least in part on the

12 automatically determined presence ones of first keywords in said portion of the

13 content of said first information page, and said second keywords; and

14   presenting on the display, responsive to a user event, a thumbnail of a

15 second information page corresponding to a first of the identified information pages.

1   16. (Previously Amended) The method of claim 15, wherein said presenting of the

2   thumbnail comprises performing on the client system in real time, a selected one of

3   [(a) retrieving said thumbnail and (b) retrieving said second information page, and

4   dithering said retrieved second information page to form said thumbnail].

13

1   17. (Previously Amended) The method of claim 15, wherein said presenting of the

2   thumbnail is made responsive to proximate placement of a cursor next to a first

3   information source identifier corresponding to the second information page.

1   18. (Previously Amended) In a server system, an automated method for facilitating

2   provision of assistance to a user of a networked client system to retrieve and browse

3   information, the method comprising: .

4   receiving from said client system in real time, on retrieval from a third party

5   location by the client system a first information page to be browsed on the client

6   system, related first keywords of presence ones of second keywords in the first

7   information page, where at least presence ones of the second keywords of the first

8   information page are dynamically determined by the client system in real time on

9   retrieval of the first information page; and

10   in response, providing to said client system a plurality of information source

11   identifiers identifying a plurality information pages that may be additionally retrieved,

12   based at least in part on said received related first keywords to enable the first

13   information page to be automatically augmented on the client system with

14   information source identifiers identifying information pages based on the related first

15   keywords.

1   19. (Original) The method of claim 18, wherein the method further comprises

2   providing to said client system a thumbnail of a second information page

3   corresponding to a first of said information source identifiers.

1 20. (Original) The method of claim 19, wherein the method further comprises

2 retrieving said second information page and dithering said second information page

3 to form said thumbnail.

1 21. (Previously Amended) In a server system, an automated method for facilitating

2 provision of assistance to a user of a networked client system to retrieve and browse

3 information, the method comprising:

4   receiving from said client system in real time, on retrieval from a third party

5 location by the client system a first information page having first content to be

6 browsed on the client system, presence ones of first keywords in the first information

7 page, where presence ones of the first keywords of the first information page are

8 dynamically determined in real time by the client system on retrieval of the first

9 information page; and

10   in response, providing to said client system a plurality of information source

11 identifiers directly identifying a plurality information pages with second contents that

12 may be additionally retrieved, based at least in part on said received presence ones

13 of first keywords, the second contents directly augmenting the first contents.

1 22. (Original) The method of claim 21, wherein the method further comprises

2 dynamically determining related second keywords of said presence ones of first

3 keywords; and said providing of information source identifiers to said client system is

4 made based at least in part on said dynamically determined related second

5 keywords.

1   23. (Original) The method of claim 21, wherein the method further comprises

2   providing to said client system a thumbnail of a second information page

3   corresponding to a first of said information source identifiers.

1   24. (Original) The method of claim 23, wherein the method further comprises

2   retrieving said second information page and dithering said second information page

3   to form said thumbnail.

1   25. (Previously Amended) In a server system, an automated method for facilitating

2   provision of assistance to a user of a networked client system to retrieve and browse

3   information, the method comprising:

4   receiving from said client system in real time, on retrieval from a third party

5   location by a client system a first information page with first contents to be browsed

6   on the client system, unique nouns of the first information page, where the unique

7   nouns are dynamically determined in real time by the client system on retrieval of the

8   first information page; and

9   in response, providing to said client system a plurality of information source

10 identifiers directly identifying a plurality information pages with second contents that

11 may be additionally retrieved, based at least in part on said received unique nouns,

12 the second contents directly augmenting the first contents.

1   26. (Previously Amended) The method of claim 25, wherein the method further

2   comprises dynamically determining presence ones of first keywords in said first

3   information page using said received unique nouns; and said providing of

4   information source identifiers to said client system is made based at least in part on

5   said dynamically determined presence ones of first keywords.

1   27. (Original) The method of claim 26, wherein the method further comprises

2   dynamically determining related second keywords of said presence ones of first

3   keywords; and said providing of information source identifiers to said client system is

4   further made based at least in part on said dynamically determined related second

5   keywords.

1   28. (Original) The method of claim 25, wherein the method further comprises

2   providing to said client system a thumbnail of a second information page

3   corresponding to a first of said information source identifiers.

1   29. (Original) The method of claim 28, wherein the method further comprises

2   retrieving said second information page and dithering said second information page

3   to form said thumbnail.

1   30. (Previous Amended) In a server system, an automated method for facilitating

2   provision of assistance to a user of a networked client system to retrieve and browse

3   information, the method comprising:

4   receiving in real time from said client system, on retrieval from a third party

5   location by the client system a first information page to be browsed on the client

6   system, a locator of the first information page identifying the third party location; and

7   in response, providing to said client system a plurality of information source

8   identifiers identifying a plurality information pages that may be additionally retrieved,

9   based at least in part on dynamically determined content of the first information

10   page.

1   31. (Original) The method of claim 30, wherein the method further comprises

2   retrieving said first information page and dynamically analyzing the retrieved first

3   information page in real time to determine presence ones of first keywords in said

4   information page; and said providing of information source identifiers to said client

5   system is made based at least in part on said dynamically determined presence

6   ones of first keywords.

1   32. (Original) The method of claim 31, wherein the method further comprises

2   dynamically determining related second keywords of said presence ones of first

3   keywords; and said providing of information source identifiers to said client system is

4   further made based at least in part on said dynamically determined related second

5   keywords.

1   33. (Original) The method of claim 30, wherein the method further comprises

2   providing to said client system a thumbnail of a second information page

3   corresponding to a first of said information source identifiers.

1   34. (Original) The method of claim 33, wherein the method further comprises

2   retrieving said second information page and dithering said second information page

3   to form said thumbnail.

1   35. (Previously Amended) A client system comprising:

2   a display; and

3   a browser to facilitate augmented viewing of a first retrieved information page

4   having first contents, including an analyzer equipped to dynamically and

5   automatically assemble a plurality of information source identifiers directly identifying

6   a plurality of information pages with second contents that may be additionally

7   retrieved, based at least in part on a portion of said content of the first retrieved

8   information page, the second contents directly augmenting said first contents.

1   36. (Previously amended) The client system of claim 35, wherein the analyzer further

2   comprises a lexical analyzer to facilitate determination in real time unique nouns in

3   said first retrieved information page being browsed.

1   37. (Previously amended) The client system of claim 35, wherein the client system

2   further comprises an information source database having a plurality of keywords and

3   a plurality of information source identifiers associated with the keywords.

1   38. (Previously amended) The client system of claim 35, wherein the client system

2   further comprises a dithering module to dither a second information page retrieved to

3   augment the first retrieved information page, to generate a thumbnail of the second

4   retrieved information page.

1   39. (Previously Amended) A server system comprising:

2   a network interface to couple the server system to a network;

3   programming instructions and an information source database having a first

4   plurality of keywords and a plurality of associated information source identifiers of

5   the first keywords, directly identifying a plurality of information pages with first

6   contents that may be additionally retrieved, to facilitate automatic augmented

7   provision of dynamically assembled information source identifiers by a browser of a

8   coupled client system, based at least in part on a portion of a first information page

19

9   with second content retrieved from a third party location for browsing on said client

10   system, the first contents directly augmenting the second contents.

1   40. (Previously Amended) The server system of claim 39, wherein the server system

2   further comprises

3   a keyword database, having a second plurality of keywords and said first

4   plurality of keywords, the first and second keywords being related, to facilitate

5   determination of related second keywords of presence ones of first keywords in the

6   first retrieved information page.

1   41. (Previously Amended) The server system of claim 39, wherein the programming

2   instructions implement a lexical analyzer to facilitate determination of unique nouns

3   in said first retrieved information page being browsed, for use in determining

4   presence ones of said first keywords in said first retrieved information page being

5   browsed.

1   42. (Previously Amended) The server system of claim 39, wherein the programming

2   instructions implement a dithering module to dither a second retrieved information

3   page retrieved to augment the first retrieved information page to generate a

4   thumbnail of the second retrieved information page.